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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,215	08/18/2003	So Ishida	241632US90	2235
22850	7590	05/04/2007		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER JONES, PRENELL P	
			ART UNIT 2616	PAPER NUMBER
			NOTIFICATION DATE 05/04/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/642,215	<b>Applicant(s)</b> ISHIDA ET AL.	
	<b>Examiner</b> Prenell P. Jones	<b>Art Unit</b> 2616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 February 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/9/07, 12/30/03</u> . | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-4, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al (US PG PUB 200301442681) in view of Flynn (US Pat 6,892,069).

Regarding claims 1, 2, 6 and 7, Chen discloses communicating IP traffic in a mobile (mobile IP) network, whereby QoS is maintained for mobiles via profiles/SLA. The architecture includes DNS server, multiple mobile host wherein IP addresses are communicated among mobile hosts, DNS server, and mobile station (target/destination equipment/communicating equipment) consist of multiple addresses (destination/IP

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addresses) which are stored within the mobile, controller coupled to RAN (mobiles/radio communicating equipment), mobile stations which await transmission or reception of IP packets (Fig. 4, paragraph 0011, 0017, 0030, 0046, 0051). Although Chen does not directly disclose reception/transmission units within communicating equipment, it is inherent by Chen's disclosure that the mobile await transmission or reception of IP packets (paragraph 0030) that transmission/reception units are utilized within a mobile. However, Chen fails to teach a controller selecting target/destination equipment addresses/mobile destination.

In a mobile communication environment, Flynn discloses utilizes mobile IP, wherein the architecture includes communication between multiple mobile nodes, and a controller configured to select destination address associated with mobiles with respect to user profile (mobile user) or SLA (Fig. 3, col. 5, line 3-45, col. 6, line 14-55, col. 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement controllers configured to select destination addresses associated with mobiles (target equipment address) as taught by Flynn with the teachings of Chen for the purpose of further maintaining QoS with respect to SLA/profiles as it is associated in a mobile IP environment.

Regarding claim 3 and 4, as indicated above, combined Chen and Flynn discloses communicating IP traffic in a mobile (mobile IP) network, whereby QoS is maintained for mobiles via profiles/SLA. The architecture includes DNS server, multiple mobile host wherein IP addresses are communicated among mobile hosts, DNS server, and mobile station (target/destination equipment/communicating equipment) consist of multiple addresses (destination/IP addresses) which are stored within the mobile, controller coupled to RAN (mobiles/radio communicating equipment), mobile stations

which await transmission or reception of IP packets, utilizing mobile IP, wherein the architecture includes communication between multiple mobile nodes, and a controller configured to select destination address associated with mobiles with respect to user profile. Although Chen fails to disclose a controller selecting available destination mobile addresses, Flynn discloses controller selecting available mobile host address (destination mobile address) with respect to requirement associated with user profile (col. 5, line 10 thru col. 6, line 33, col. 7, line 18-48).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement a controller selecting available destination mobile addresses as taught by Flynn with the teachings of Chen for the purpose of further maintaining QoS.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al (US PG PUB 200301442681) in view of Flynn (US Pat 6,892,069) as applied to claims 1 and 7 above, and further in view of Horikawa (US PG PUB 20010053133).

Regarding claim 5, as indicated above, combined Chen and Flynn discloses communicating IP traffic in a mobile (mobile IP) network, whereby QoS is maintained for mobiles via profiles/SLA. The architecture includes DNS server, multiple mobile host wherein IP addresses are communicated among mobile hosts, DNS server, and mobile station (target/destination equipment/communicating equipment) consist of multiple addresses (destination/IP addresses) which are stored within the mobile, controller coupled to RAN (mobiles/radio communicating equipment), mobile stations which await transmission or reception of IP packets, utilizing mobile IP, wherein the architecture includes communication between multiple mobile nodes, and a controller configured to

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select available destination address associated with mobiles with respect to user profile, and controller selecting available mobile host address with respect to requirement associated with user profile. Both Chen and Flynn are silent on controller switching to perform packet reception/transmission.

However, in an Internet telephony communication environment, Horikawa discloses an MSC/switching controller, which switches/selects the type of data communicated with destination equipment/mobile (Abstract, paragraphs 0005-0010, 0014, 0022).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement a switching controller to accommodate specific data communication as taught by Horikawa with the combined teachings of Chen and Flynn for the purpose of further maintaining QoS with respect to user profiles/SLA.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 571-272-3180. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones 

April 27, 2007

  
CHI PHAM  
SUPERVISORY PATENT EXAMINER

4/30/08